

## **REMARKS/ARGUMENTS**

Applicant acknowledges, with thanks, the Office Action dated September 25, 2007. Claims 1-10 are pending. Claims 1-10 have been rejected under 35 U.S.C. § 102(b). Claims 1, 3, and 5 have been amended; claim 2 has been canceled; and new claim 31 has been added. No new matter has been added in conjunction with the amendments made to the instant application.

Claims 1-10 are rejected as being anticipated by U.S. Patent No. 4,911,436 to Lighter. Applicant respectfully traverses this rejection.

By way of background, the subject claims are directed to a physical resistance training apparatus that uses fluid pressure to generate a force that is transferred to an associated user. The invention as set forth in amended claim 1 includes receiving means for receiving a non-compressible pressurized flow of fluid having a selectable flow rate associated therewith. The flow rate corresponds to the flow of the fluid into the receiving means. The apparatus of amended claim 1 further includes outlet means adapted for discharging the pressurized flow of fluid in a selectable direction so as to generate a force in the direction opposite the flow of fluid out of the outlet means. Directing means are included in amended claim 1 to direct the flow of fluid from the receiving means to the outlet means. The apparatus further includes transfer means adapted to transfer the force generated by the discharge of fluid to an associated user. Applicant's invention, therefore, uses the force generated by the discharge of fluid through the outlet means to push back, i.e. generate resistance, to the associated user.

In contrast to the claimed invention, Lighter explicitly teaches a pneumatic-based exercise device equipped with an air compressor and several cylinders. The pressure within the cylinders is thereby adjusted via the compressor so as to increase the resistance to an associated user. As set forth in the Lighter reference, the resistance is transferred via these pneumatic cylinders to a variety of attachments to enable exercise of different muscle groups of the associated user. However, the Applicant notes that Lighter is directed to a closed system, e.g. adjustable air cylinders, and does not use the flow of air from the compressor as the resistance-generating force; rather, the resistance is generated by the pressure within the cylinder. Stated another way, Lighter teaches increasing the air pressure within the cylinders to increase the resistance and not the flow of a fluid discharged through an outlet, as set forth in the instant claims. Applicant respectfully submits that Lighter fails to teach or suggest the open-system of

claim 1, wherein the discharge of the fluid through the outlet means of the subject claim results in a force generated opposite the discharge of a fluid. Thus, as Lighter fails to teach or suggest each and every element of independent claim 1, Applicant submits that Lighter does not anticipate the invention as set forth in claim 1.

In addition, none of the other references, alone or in combination with Lighter, teach or suggest the invention as set forth in the amended claims. For example, each of those references explicitly discussing the use of fluids corresponds to closed-systems, e.g. forcing fluid from one bladder to another bladder. None of the references teach or suggest the generation of a force in the opposite direction of a discharge of the flow of a pressurized non-compressible fluid.

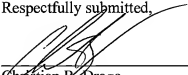
Claims 3-11 depend either directly or indirectly from claim 1 and, therefore, include each and every limitation of claim 1. For the reasons set forth above with respect to independent claim 1, claims 3-11 should also be allowable over the art of record. Reconsideration and withdrawal of these rejections is therefore respectfully requested.

### **CONCLUSION**

For the reasons set forth herein, Applicant submits that the claims in their current state are not anticipated or obvious in view of the prior art cited by the Examiner, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned should further discussion of the matters discussed herein or any additional matters be required to advance the prosecution of the instant Application. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 77535/00002.

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Respectfully submitted,

  
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